

FILED

Clerk
District Court

SEP 29 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

**ABELLANOSA, JOANNA, et.
al.,**

Plaintiffs,

v.

**L & T INTERNATIONAL
CORPORATION,**

Defendant.

Civil Action No. 05-0010

**DECLARATION OF JOE HILL IN
SUPPORT OF PLAINTIFF'S
REQUEST FOR ENTRY OF
DEFAULT PURSUANT TO FED.
R. CIV. P. 55(a)**

I, **JOE HILL**, hereby depose and say:

1. I am over the age of eighteen (18) years, have personal knowledge of the matters set forth herein and am competent to testify as to such matters in a court of law.

2. I am the attorney for Plaintiffs in the above-entitled matter.

3. Plaintiffs filed the complaint in the above-entitled matter on March 31, 2005.

JOE HILL
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ORIGINAL

1 4. Defendant was served with the summons and complaint on July 29,
2 2005. *See* Exhibit 1 of the Request for Entry of default.

3 5. On or about August 9, 2005, Defendant's counsel requested and we
4 agreed that Defendant's answer/response may be filed and served by September
5 1, 2005.

6 6. On September 1, 2005, Defendant, without filing an answer, filed a
7 Rule 12(b)(6) motion to dismiss directed at only three of the seven counts in the
8 Complaint.
9

10 7. On September 2, 2005, I verbally informed counsel for Defendant
11 that his partial motion to dismiss was not proper and that he should file an answer
12 forthwith to those causes of action which were not the subjects of Defendant's
13 motion to dismiss.

14 8. Later in the day, September 2, 2005, I served counsel for Defendant
15 with a confirmation letter of the above. *See* Exhibit 2 of the Request for Entry of
16 default.

17 9. On September 3, 2005, counsel for Defendant, by letter, replied to
18 my letter, indicating that it was his position that his partial motion to dismiss was
19 authorized, and therefore Defendant's answer need not be filed until after the
20 Court rules on the Rule 12(b)(6) motion. *See* Exhibit 3 of the Request for Entry
21 of default.
22
23

10. To date, Defendant has not filed an answer or other responsive pleading to the Third, Fourth, Sixth, and Seventh causes of action of the Complaint within 20 days after the Summons and Complaint were served on Defendant on July 29, 2005 as required by Fed. R. Civ. P. 12(a)(1)(A), or alternatively 20 days after the agreed to September 1, 2005 extended date to file the answer/response.

12. I believe that Plaintiffs are entitled in law and equity to have an entry of default entered by the court against the Defendant on the complaint pursuant to FED. R. CIV. P. 55(a).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 29th day of September 2005 in Susupe, Saipan, Commonwealth of the Northern Mariana Islands.